

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Case No. 20-22898-CMB
	:	
RONALD G. LINABURG,	:	Chapter 11
	:	
Debtor.	:	Related to: Claim No. 11-5
	:	Document Nos. 134, 363 and 374

**STIPULATION AND CONSENT ORDER RESOLVING PENDING  
DISPUTES BETWEEN DEBTOR AND MINORITY SHAREHOLDER**

Diana Marie Dongell, D.M.D. (“**Dongell**”) and the Debtor, Ronald G. Linaburg (“**Debtor**” and together with the Dongell, the “**Parties**”), file this Stipulation and Consent Order Resolving Pending Disputes Between Debtor and Minority Shareholder (the “**Stipulation**”)

WHEREAS, on October 9, 2020, the Debtor filed a petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the “**Bankruptcy Code**”) at the above-captioned case number.

WHEREAS, on March 10, 2021, Diana M. Dongell, D.M.D. (“**Dongell**”) filed a (1) Motion for Leave to File Objection to Exemptions (the “**Exemptions Motion**”) [Doc. No. 134], and (2) Motion to Extend Time to Object to Dischargeability and/or Discharge (the “**Discharge Motion**”) [Doc. No. 135].

WHEREAS, the Debtor filed objections to the Exemptions Motion and Discharge Motion on March 29, 2021 [Doc. Nos. 162 and 163].

WHEREAS, on April 13, 2021, the Dongell filed an individual Proof of Claim on the Claim Register of the above-captioned case at Claim No. 11, which was amended on May 3, 2021, September 13, 2021, September 14, 2021, and November 8, 2021 (the “**Amended Proofs of Claim**”).

WHEREAS, on October 8, 2021, the Debtor filed an objection to the Amended Proof of Claim (the “**Amended Claim Objection**”) [Doc. No. 374].

WHEREAS, on November 11, 2021, Dongell filed a response to the Amended Claims Objections [Doc. No. 432].

WHEREAS, on September 21, 2021, the Dongell filed a Motion to Strike Without Prejudice Debtor’s Amendments for Non-Compliance with the Court’s Rules and Orders (the “**Motion to Strike**”) [Doc. No. 363].

WHEREAS, the Debtor filed a response to the Motion to Strike on October 8, 2021 [Doc. No. 371.]

WHEREAS, on November 15, 2021, the Debtor, and Dongell filed a Stipulation and Consent Order Extending the Deadline to Object to Dischargeability, resolving the Discharge Motion and extending the deadline to object to dischargeability to January 17, 2022, and the Court approved the stipulation on November 16, 2021 [Doc. Nos. 449 and 550].

WHEREAS, as of the date of this Stipulation, the Amended Claim Objection and the Motion to Strike remain pending before this Court.

WHEREAS, on February 8, 2022, the Debtor filed a Motion to Approve Mutual Release Agreement (the “**9019 Motion**”), wherein the Debtor and Dongell indicated that they reached a global resolution of their disputes and that they wished to enter into a Mutual Release Agreement (the “**Mutual Release**”) [Doc. No. 510].

WHEREAS, pursuant to the Mutual Release, Dongell agreed to, *inter alia*, withdraw the Amended Proof of Claim, the Exemptions Motion as to Diana Marie Dongell, D.M.D. **only**, and the Motion to Strike as to Diana Marie Dongell, D.M.D. **only**.<sup>1</sup>

WHEREAS, no objections to the 9019 Motion were filed, and the Court entered an Order approving the motion and Mutual Release on February 28, 2022. *See* Doc. Nos. 541 and 544.

WHEREAS, the Parties now request that this Honorable Court issue an Order withdrawing Dongell Amended Proof of Claim, the Exemptions Motion as to Dongell, D.M.D. **only**, and the Motion to Strike as to Diana Marie Dongell, D.M.D. **only**.

**AND NOW**, based upon the foregoing, and with the Parties intending to be legally bound, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. The proof of claim filed at Claim No. 11-5 is **WITHDRAWN**, and the Debtor's Amended Claim Objection filed at Doc. No. 374 is **DENIED AS MOOT**.
2. The Motion for Leave to File Objection to Exemptions filed at Doc. No. 134 is **WITHDRAWN** as to Diana Marie Dongell, D.M.D. only.
3. The Motion to Strike Without Prejudice Debtor's Amendments for Non-Compliance with the Court's Rules and Orders filed at Doc. No. 363 is **WITHDRAWN** as to Diana Marie Dongell, D.M.D. only.
4. The terms of this Stipulation may not be modified, revised, altered or changed to any extent, without the express written consent of both Mainline and the Debtor.

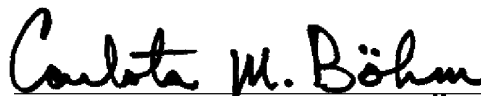
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<sup>1</sup> The Amended Proofs of Claim, Exemptions Motion, and Motion to Strike have previously been withdrawn as to Minority Shareholders by Stipulation and Consent Order signed on February 17, 2022 [Doc. No. 529].

5. This Court shall retain jurisdiction over this matter to enforce the terms of this Stipulation.

SO ORDERED:

Dated: March 31, 2022



HON. CARLOTA M. BÖHM <sup>glb</sup>  
CHIEF U.S. BANKRUPTCY JUDGE

FILED  
3/31/22 11:30 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

STIPULATED AND AGREED TO BY:

THOMPSON LAW GROUP, P.C.

PORTER WRIGHT MORRIS & ARTHUR LLP

/s/ Brian C. Thompson  
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*Counsel for Ronald G. Linaburg*

Dated: March 30, 2022

/s/ Ronald L. Hicks, Jr.  
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*Counsel for Diane Marie Dongell, D.M.D.*

Dated: March 30, 2022

In re:  
Ronald G Linaburg  
Debtor

Case No. 20-22898-CMB  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Mar 31, 2022

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 02, 2022:

Recip ID	Recipient Name and Address
db	+ Ronald G Linaburg, 924 Valleyview Road, Pittsburgh, PA 15243-1022

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 02, 2022

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 31, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
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Carolyn Batz McGee	on behalf of Defendant Diana M. Dongell D.M.D cbmcgee@porterwright.com, tturoczy@porterwright.com
Carolyn Batz McGee	

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